IN THE CLAIMS:

Please amend claims 1-3, 5-18, 21 and 22 and add claim 23 as follows.

1. (Currently Amended) A method of encoding speech in a communications system, said method comprising ~~the steps of~~:

receiving a speech signal including voice signals and background signals;

detecting voice activity and providing an indicator when no voice activity is detected;

encoding the speech signal to generate a plurality of parameters representing the signal; and

when the indicator is not present, outputting a first parametric representation of the speech signal comprising the plurality of parameters, and, when the indicator is present, modifying at least one of the plurality of parameters and outputting a second parametric representation of the speech signal including the modified parameter.

2. (Currently Amended) ~~A~~ The method according to claim 1, wherein the plurality of parameters includes a linear prediction calculation vector of quantized linear prediction filter coefficients.

3. (Currently Amended) ~~A~~ The method according to claim 1, wherein the plurality of parameters includes a gain parameter based on open-loop lag value.

4. (Original) A method according to claim 1, wherein the plurality of parameters includes a residual vector.

5. (Currently Amended) A The method according to claim 1, wherein the speech signal is received as a sequence of samples arranged in frames.

6. (Currently Amended) A The method according to claim 5, wherein the step of modifying the at least one parameter includes smoothing the parameter for a current frame based on characteristics of the parameter in other frames of the speech signal.

7. (Currently Amended) A The method according to claim 6, wherein said other frames include adjacent frames.

8. (Currently Amended) A The method according to claim 6, wherein the step of modifying the at least one parameter includes producing a count of the number of received frames up to a predetermined maximum, and using said count in the modifying step.

9. (Currently Amended) A The method according to claim 1, wherein the step of modifying at the least one parameter includes generating a randomized value for the parameter.

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10. (Currently Amended) A The method according to claim 1, wherein the step of modifying the at least one parameter includes taking into account the energy levels associated with the parameter.

11. (Currently Amended) A The method according to claim 1, wherein the step of modifying the at least one parameter includes modifying a value utilized in the generation of the parameter, whereby modification of that value produces a modified parameter.

12. (Currently Amended) A The method according to claim 11, wherein the step of modifying the value comprises randomizing the value.

13. (Currently Amended) A speech encoding apparatus configured to encode speech, the apparatussystem comprising:

an input configured to receive a speech signal including voice signals and background signals;

a voice activity detector configured to detect voice activity and to provide an indicator when no voice activity is detected;

an encoder configured to encode the speech signal to generate a plurality of parameters representing the signal;

modifying circuitry configured to modify, when the indicator is present, at least one parameter of the plurality of parameters; and

an output at which a first parametric representation of the speech signal is output when the indicator is not present, the first parametric representation comprising the plurality of parameters, and at which a second parametric representation of the speech signal is output when the indicator is present, the second parametric representation including the modified parameter.

14. (Currently Amended) A The speech encoding apparatus according to claim 13, wherein the speech signal is received as a sequence of samples arranged in frames, and wherein the modifying circuitry smoothes the parameter for a current frame based on characteristics of the parameter in other frames of the speech signal.

15. (Currently Amended) A The speech encoding apparatus according to claim 13, wherein the speech signal is received as a sequence of samples arranged in frames, and wherein the modifying circuitry produces a count of the number of received frames to a predetermined maximum, and to use the count in the step of modifying the parameter.

16. (Currently Amended) A The speech encoding apparatus according to claim 13, wherein the modifying circuitry generates a randomized value for the parameter.

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17. (Currently Amended) A The speech encoding apparatus according to claim 13 wherein the modifying circuitry takes into account energy levels associated with the parameter.

18. (Currently Amended) A systemapparatus for encoding speech, said apparatussystem comprising:

receiving means for receiving a speech signal including voice signals and background signals;

detecting means for detecting voice activity and providing an indicator when no voice activity is detected;

encoding means for encoding the speech signal to generate a plurality of parameters representing the signal; and

outputting means for, when said indicator is not present, outputting a first parametric representation of the speech signal comprising said plurality of parameters, and, when the indicator is present, modifying at least one of the parameters and outputting a second parametric representation of the speech signal including the modified parameter.

19. (Previously Presented) A communications system configured to encode speech, the system comprising:

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input means for receiving a speech signal including voice signals and background signals;

voice activity detection means for detecting voice activity and to provide an indicator when no voice activity is detected;

encoder means for encoding the speech signal to generate a plurality of parameters representing the signal;

modifying means for modifying, when the indicator is present at least one of the parameters; and

output means for outputting, when the indicator is not present, a first parametric representation comprising said plurality of parameters, and for outputting a second parametric representation of the speech signal when the indicator is present, the second parametric representation including the modified parameter.

20. (Previously Presented) A network entity for use in a wireless communications network, the network entity being configured to encode speech and comprising:

an input configured to receive a speech signal including voice signals and background signals;

a voice activity detector configured to detect voice activity and to provide an indicator when no voice activity is detected;

an encoder configured to encode the speech signal to generate a plurality of parameters representing the signal;

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modifying circuitry configured to modify, when the indicator is present, at least one parameter of the plurality of parameters; and

an output at which a first parametric representation of the speech signal is output when the indicator is not present, the first parametric representation comprising the plurality of parameters, and at which a second parametric representation of the speech signal is output when the indicator is present, the second parametric representation including the modified parameter.

21.   (Currently Amended) A–The network entity according to claim 20, which comprises a mobile terminal.

22.   (Currently Amended) A computer program comprising a code sequence which, when executed on a computer, encodes speech by implementing the following method stepsmethod comprising:

receiving a speech signal including voice signals and background signals;

detecting voice activity and providing an indicator when no voice activity is detected;

encoding the speech signal to generate a plurality of parameters representing the signal; and

when the indicator is not present, outputting a first parametric representation of the speech signal comprising the plurality of parameters, and, when the indicator is present,

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modifying at least one of the plurality of parameters and outputting a second parametric representation of the speech signal including the modified parameter.

23. (New) A communications system configured to encode speech, the system comprising:

an input unit configured to receive a speech signal including voice signals and background signals;

voice activity detection unit configured to detect voice activity and to provide an indicator when no voice activity is detected;

encoder unit configured to encode the speech signal to generate a plurality of parameters representing the signal;

modifying unit configured to modify, when the indicator is present at least one of the parameters; and

an output unit configured to output, when the indicator is not present, a first parametric representation comprising said plurality of parameters, and to output a second parametric representation of the speech signal when the indicator is present, the second parametric representation including the modified parameter.

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